

PROB 12C
(6/16)

Report Date: January 9, 2024

United States District Court**for the****Eastern District of Washington**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 09, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Christopher Ray Myers

Case Number: 0980 2:15CR00045-TOR-1

Address of Offender: [REDACTED], Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Court Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: August 18, 2017

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 77 Months; Type of Supervision: Supervised Release
TSR - 36 MonthsResentence: Prison - 1,245 Days;
(July 28, 2020) TSR - 36 MonthsRevocation Sentence: Prison - 30 Days;
(November 9, 2021) TSR - 35 MonthsRevocation Sentence: Prison - 10 Months;
(December 15, 2022) TSR - 25 Months

Asst. U.S. Attorney: Stephanie A. Van Marter Date Supervision Commenced: August 11, 2023

Defense Attorney: Colin G. Prince Date Supervision Expires: September 10, 2025

PETITIONING THE COURT**To issue a WARRANT.**

On August 15, 2023, Mr. Christopher Myers signed his conditions relative to case number 2:15CR00045-TOR-1, indicating that he understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition # 2:</u> You must not unlawfully possess a controlled substance, including marijuana, which remains illegal under federal law.
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Supporting Evidence: Mr. Myers is alleged to have violated mandatory condition number 2 on or about January 6, 2024, by having in his possession, and while residing at the Spokane Residential Reentry Center (RRC), an illicit substance known to him to be heroin, fentanyl or both.

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Specifically, on January 6, 2024, the undersigned officer was made aware of the client's noncompliant state while enrolled at the Spokane RRC, following his enrollment with the facility occurring on January 5, 2024. Specifically, reports received from the provider indicated that the client had been reported by another resident as both "smoking" fentanyl and offering it to others while assigned to the facility. Mr. Myers was unsuccessfully discharged from the facility on the day in question as a result of both this concern, as well as a multitude of others.

On January 8, 2024, Mr. Myers reported to the U.S. Probation Office as directed, albeit 4 hours late. While Mr. Myers denied using any illicit substance while assigned to the Spokane RRC or offering any such substance to others, he did admit to having located a substance which he indicated was either heroin, fentanyl or both, in his belongings and after his arrival at the facility. Mr. Myers indicated that the substance had been missed by staff following their initial search of his property, and he stated that after recognition of what it was, he "balled" up the aluminum foil that the substance was on and disposed of it in the trash.

It should be noted that staff also located in his property, at the time of a search occurring at the facility on January 6, 2024, and then subsequently while inventorying his property following his unsuccessful discharge, two pieces of tinfoil with brown residue and a plastic modified smoking device with white residue, respectively. Mr. Myers denied intentionally taking any drug paraphernalia into the facility, but admitted that he may have been unaware as to the presence of these items in his property at the time of his admittance into the facility.

- 2 **Mandatory Condition # 3:** You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: Mr. Myers is alleged to have violated mandatory condition number 3 by ingesting heroin, as previously occurring on or about January 5, 2024, based on his own admission of such use.

Specifically, on January 8, 2024, Mr. Myers reported to the U.S. Probation Office in Spokane as directed, albeit approximately 4 hours past his originally directed reporting time. During the subsequent interaction with Mr. Myers, he reported having "smoked" an illicit substance on January 5, 2024, prior to his reporting to the Spokane RRC, indicating that he had found what he believed to be either heroin, or fentanyl in his backpack while packing, and to subsequently smoking it. Mr. Myers ultimately concluded that he believed that the substance was most likely heroin. Mr. Myers did sign a drug use admission form serving to document the admission.

Mr. Myers did additionally submit to urinalysis testing as a part of the contact, during which the sample presented with an extremely faint line for fentanyl. Mr. Myers indicated that he did not believe that he had recently used fentanyl, but did admit that it could have been present in the heroin that he smoked.

- 3 **Special Condition # 2:** You must reside in a residential reentry center (RRC) for a period up to 180 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. The defendant shall abide by the rules and requirements of the facility.

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Supporting Evidence: Mr. Myers is alleged to have violated special condition number 2 by being unsuccessfully discharged from the facility on January 6, 2024, due to a multitude of program rule violations.

Specifically, on January 6, 2024, the undersigned officer was made aware of the client's noncompliant state while enrolled at the Spokane RRC, following his enrollment with the facility, occurring on January 5, 2024. Specifically, reports received from the provider indicated that the client had been reported by another resident as both "smoking" fentanyl in the facility and offering it to others residents. Mr. Myers was also reported to have "snuck" his phone into the facility, something that he later admitted, but explained in more detail, indicating that he was not initially asked for the device by staff. Mr. Myers was also identified as being in possession of a white substance located during a search; however, that substance later tested negative for most common abused substances, and it remains unidentified at the time of this report creation.

In addition, during an inspection of Mr. Myers' phone, staff located text messages discussing drug transactions, and a possible assault that had occurred. In addition, staff later located in his belongings several pieces of tinfoil with brown residue as well as an apparent modified smoking device with white residue on it. At the time of his being escorted from the building by staff, Mr. Myers was reported as being belligerent, further stating to the case manager that he would be waiting for her when she got off of work, and that he had something for her, or something similar. The case manager took the statement as being threatening in nature, and reported it to law enforcement. Mr. Myers later reported that he did say that he would be back, referring to the need to pick up his property, but he denied that the statement was as reported or that it was meant in a threatening manner.

The U.S. Probation Office respectfully recommends the Court **issue a WARRANT** requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

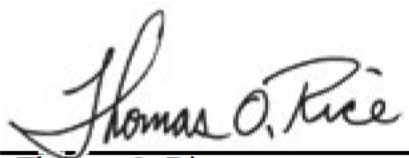
Executed on: January 9, 2024

s/ Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Thomas O. Rice
United States District Judge

January 9, 2024

Date